

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORNEALIUS LOPES

Plaintiff,

v.

FREMONT FREEWHEELERS, et al.,

Defendants.

No. C 07-6213 PJH

**ORDER GRANTING REQUEST TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

On March 27, 2008, plaintiff submitted a request to continue the date for the initial case management conference from April 3, 2008, to May 30, 2008. Plaintiff makes the request based on the fact that he has not yet served all the defendants with the summons and complaint. The request is GRANTED. The new date for the case management conference will be Thursday, May 29, 2008, at 2:30 p.m.

The court notes, however, that under Federal Rule of Civil Procedure 4, “[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant, or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, while the complaint was originally filed in Alameda County Superior Court on November 2, 2007, the court will count the beginning of the 120-day period from December 7, 2007, the date the case was removed by former defendant CB Richard Ellis. Thus, under Rule 4(m), all defendants should be served by April 7, 2008.

1 The court will grant plaintiff an additional three weeks beyond the statutory deadline
2 for service of the summons and complaint on all defendants. All defendants must be
3 properly served no later than April 30, 2008. Any defendant not served by that date will be
4 dismissed from the case. The court will grant no further extensions for service.

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6 **IT IS SO ORDERED.**

7 Dated: March 28, 2008



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PHYLLIS J. HAMILTON
United States District Judge